



Patent  
Attorney Docket No: ANP-00114.P.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )

Pakula et al. )

Application Number: 09/904,186 )

Filed: July 12, 2001 )

For: SCREEN FOR COMPOUNDS )  
WITH AFFINITY FOR NUCLEIC ACIDS )

Examiner: Ponnaluri, P.

Group Art Unit: 1639

#12  
GUP  
12-20-02

Assistant Commissioner for Patents  
Washington D.C., 20231

Sir,

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action mailed October 21, 2002, Applicants submit the following election and traverse. Applicants submit this Response within one month of the mailing date of that Office Action. Thus, no fee is deemed necessary and this Response is timely filed.

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## ELECTION

In the Office Action, dated April 9, 2002, the Examiner restricts the claims to three distinct and independent inventions. The Examiner further restricts the claims of each Group to three patentably distinct species.

The above identified patent application has been examined for restriction purposes only. The Examiner has set forth the following Groups:

<b>Group Number</b>	<b>Claims</b>	<b>Subject Matter</b>
I	1-37	Screening methods for selecting a test ligand for a test target
II	38-44	Methods for selecting a test ligand for a target
III	45-65	Fluorescence-probe based screening methods

Applicants elected the invention of Group I in their Response filed July 9, 2002. That election was made with traverse because of the commonality of the subject matter of the three Groups.

The above identified Groups have been examined for restriction purposes only. The Examiner has set forth the following distinct species for the claimed invention of Group I:

<b>Distinct Species</b>	<b>Subject Matter</b>
A	One specific target
B	A single type of test ligand
C	Target bound to solid phase or in soluble form

Applicants elect the species of human neutrophil elastase enzyme for Species A as a target, the species small organic molecule MDL 101,146 for Species B as ligand, and the species target bound to solid phase for Species C for initial examination. Support for this election is found, for example, in Example 10, Pages 36-41. MDL 101,146 is presented in Table 3 on Page 41 and referred to at Page 38, Lines 3-6.

Although Applicants have made the above election to be fully responsive to the Restriction Requirement, Applicants do so with traverse based on the record at hand. In the Office Action dated October 21, 2002, the Examiner asserts that "since the elected inventions require the knowledge of specific ligand and target, applicants are requested to elect a single species of compounds for the ligand." Applicants respectfully regard this statement as mischaracterization of Applicants' invention and contrary the agreement reached between the Examiner and Applicant's representative during a telephonic interview as indicated on the Interview Summary of April 29, 2002, a copy of which is enclosed herein. Applicants note that throughout the specification the invention is characterized to the contrary. For example, as set forth in their application on Page 9, Lines 13-18, it is stated that "An important feature of the present invention is that it will detect any compound that binds to any sequence or domain of the target protein, not only to sequences or domains that are intimately involved in biological activity or function. The binding sequence, region, or domain may be present on the surface of the target protein when it is in its folded state, or may be buried in the interior of the protein. Some binding sites may only become accessible to ligand binding when the protein is partially or totally unfolded" is contrary to the Examiner's Assertion.

### CONCLUSION


Based on the commonality of the subject matter of the claims, Applicants have previously request that the Examiner join the claims of Groups I, II, and III into a single group. For completeness, Applicants have previously elected the claims of Group I. With regard to the Species, Applicants with traverse elect human neutrophil elastase enzyme as target, small organic molecule MDL 101,146 as ligand, and target bound to solid phase as format for examination.

Applicants respectfully submit that the claims are ready for examination and in condition for allowance.

Please apply any charges not covered, or any credits, to **Deposit Account Number 501321** in the name of David R. Preston & Associates, having **Customer Number 24232**.

Respectfully submitted,

Date: Nov 18, 2002

  
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